



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

Via facsimile and regular mail

May 16, 2002

C-14J

Mr. Kitt C. Cooper
35 East Livingston Avenue
Columbus, Ohio 43215

Re: Cost Recovery for funds expended at
Jefferson Processing Superfund Site #B5C2

Dear Kitt:

The United States Environmental Protection Agency (U.S. EPA) is preparing to refer the above matter to the United States Department of Justice. The U.S. EPA will be naming Mr. Gary Smith as the sole viable responsible party. The referral will be accompanied with an updated itemized cost summary for the funds that U.S. EPA has expended on the Jefferson Processing Superfund Site, which totals approximately \$781,805. The U.S. EPA will seek reimbursement, pursuant to the strict liability provisions of CERCLA, for the full amount, plus interest that has accrued since the time of our demand in September, 2001.

As you know, the U.S. EPA has considerable evidence that continues to mount against your client as the current operator and owner of the above property. As a result, it is clear that Mr. Smith is strictly liable for all costs related to the cleanup of the Jefferson Processing site.

In the context of negotiating a 122(h) order, the U.S. EPA has indicated a willingness to resolve this matter for an amount less than what it will be seeking in litigation. This allows for a compromise that is beneficial to both parties. As a final attempt to settle this matter before referring it to U.S. DOJ, the U.S. EPA will agree to settle this matter with your client for \$150,000. This bottom line offer expires on May 31, 2002, at which time we will proceed with the process of referring this matter to the U.S. DOJ.

Please call with any questions.

Sincerely,

Nidhi K. O'Meara / kg Klf

Nidhi K. O'Meara
Associate Regional Counsel

cc: Deborah Haidar

EPA Region 5 Records Ctr.



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